

CALIFORNIA COASTAL COMMISSION

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Thu 13b

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Staff: Laurinda Owens-SD
Staff Report: 6/22/06
Hearing Date: 7/12-14/06

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-11

Applicant: Ocean Pacific Townhouse, LLC **Agent:** Ken Cornell

Description: Demolition of an existing single-family residence and construction of a three-story, 30-ft. high, two-unit, approximately 2,933 sq.ft. condominium building with a total of 470 sq.ft. of exterior decks and four on-site parking spaces on an approx. 2,670 sq.ft. lot.

Lot Area	2,670 sq. ft.
Building Coverage	1,723 sq. ft. (64%)
Pavement Coverage	580 sq. ft. (22%)
Landscape Coverage	367 sq. ft. (14%)
Parking Spaces	4
Zoning	RN
Plan Designation	Residential North (36 dua)
Project Density	32.6 dua
Ht abv fin grade	30 feet

Site: 3786 Strandway, Mission Beach, San Diego, San Diego County.
APN 423-578-29 & -30

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, subject to special conditions that require submittal of final landscape plans approved by the City of San Diego that include plant materials that do not impede public views to the ocean and submittal of final plans approved by the City of San Diego. The proposed two-unit condominium structure, as conditioned, is consistent with all applicable Coastal Act policies.

Standard of Review: Chapter 3 Policies of the Coastal Act.

Substantive File Documents: Certified Mission Beach Precise Plan; Certified Mission Beach Planned District Ordinance

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-06-11 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Landscape/Yard Area Fence Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans as submitted by OP Designs (revised 5/16/06) and shall include the following:

- a. A view corridor a minimum of 10 ft. wide shall be preserved in the south yard area adjacent to Rockaway Court. All proposed landscaping in the south yard

area shall be maintained at a height of three feet or lower (including raised planters) to preserve views from the street toward the ocean. A maximum of two (2) tall trees with thin trunks are permitted, provided they are located close to the building and they do not block views toward the ocean.

- b. All landscaping shall be drought-tolerant and either (1) native or (2) non-invasive plant species (i.e., no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property).
- c. Any fencing in the south side yard setback area shall permit public views and have at least 75 percent of its surface area open to light.
- d. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. Timing of Construction. No construction shall take place for the project between Memorial Day weekend and Labor Day of any year. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (No street closures or use of public parking as staging areas).

3. Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit final plans for the construction of the two units. Said plans shall first be reviewed and approved in writing by the City of San Diego. Said plans shall also be in substantial conformance with the plans submitted by OP Designs (revised 5/16/06) with this application and shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director.

No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit amendment unless the Executive Director determines that no additional amendment is legally required.

4. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project involves the demolition of an existing single-family residence and the construction of a new three-story, 30 ft. high, approximately 2,933 sq.ft., two-unit condominium structure on a 2,669 sq.ft. site consisting of two lots. Unit "A" will contain a total of 1,023 sq.ft. of living area and Unit "B" will contain a total of 1,131 sq.ft. of living area (not including common areas such as elevator, garage, etc. which total to 779 sq.ft.). A total of four on-site parking spaces will be provided via an enclosed parking garage, which is adequate to serve the proposed development. A total of 470 sq.ft. of exterior decks are proposed, a covered patio area and landscaping. Also included is an elevator to serve all three levels of the proposed structure. The subject site is located just one block inland (east) of Ocean Front Walk, on the north side of Rockaway Court, adjacent to Strandway, in the community of Mission Beach in the City of San Diego.

The proposed project was originally scheduled for review at the Commission's May 2006 meeting. However, a letter of opposition dated 4/3/06 was received regarding the proposed development which raised several inconsistencies with local design and zoning requirements which would have rendered the project potentially inconsistent with the community character of the area (i.e., too large of an F.A.R). As a result of these outstanding questions regarding consistency with the Mission Beach Planned District Ordinance ("PDO"), the project was postponed.

Since that time, the applicant worked with the City and redesigned the project which resulted in the removal of the three excess parking spaces and other minor changes to the

project design. Only four parking spaces are required for the proposed development although the applicant had previously included seven spaces (three extra to serve as guest spaces).

The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority. As such, the Chapter 3 policies of the Coastal Act are the standard of review.

2. Community Character/Visual Resources. Section 30251 of the Coastal Act is applicable to the subject project and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,...

In recent months it has come to the attention of Commission staff that the plans for projects submitted to the Commission with the coastal development permit applications sometimes contain slight discrepancies with regard to zoning requirements and the Mission Beach Planned District Ordinance. The requirements of the PDO that directly relate to Coastal Act issues (i.e., parking, building height requirements, sideyard setbacks, etc.) are analyzed by Commission staff and if a discrepancy is found, the applicant is asked to revise the plans. However, there are still a few other types of development features that are more of a local zoning issue which the City reviews at plan check. In addition, the Commission has begun to routinely require, as a condition of approval, that the final plans are stamped and approved by the City of San Diego prior to issuance of the coastal development permit. As conditioned, it can be assured that the proposed development is fully consistent with the Chapter 3 policies of the Coastal Act and the certified LCP and also meets all local design requirements and will not have an adverse impact on the community character or visual quality of the neighborhood.

The proposed development includes the construction of a 3-story, 30 ft. high, 2,933 sq. ft. condominium building. The proposed structure is compatible in design and scale with the character of the surrounding community. The existing residences along and in close proximity to the boardwalk vary widely in architectural style and appearance. The proposed project will result in a three-story structure on the inland side of Strandway, one block east of the ocean and public boardwalk. The proposed structure will be 30 feet high, consistent with current zoning requirements.

With regard to potential impacts on public views to the ocean, in the Mission Beach community, the public rights-of-way of the various courts and places, which are generally east/west running streets, comprise the community's public view corridors. In addition, the public boardwalk (Oceanfront Walk, in this particular case), which runs north/south along the ocean, serves not only as a highly popular public accessway, but also serves as a view corridor along the shoreline. Although there is another residential building

located between the subject site and the public boardwalk to the west adjacent to the ocean, when this lot is redeveloped in the future, it will need to observe all of the required building setbacks. As such, this will open up public views looking west adjacent to Rockaway Court, which is located immediately south of the site. Thus, there is the potential for the subject development to impact views to the shoreline.

The Commission typically reviews projects in this area to assure that any new proposed development does not encroach into the side yard setback areas which could impede public views toward the ocean. In this particular case, the proposed development will observe all required setbacks for the south side yard and public views to the ocean will not be impacted as a result of the proposed structure. However, there is the potential for proposed landscaping in the south side yard adjacent to the court to impede public views (as seen from Rockaway Court while looking west) to the ocean (both initially and over time, as plant materials/trees mature). As such, Special Condition #1 requires that the applicant submit final landscape plans that require that all proposed landscaping and hardscaping consist of only low level materials that do not impede views to the ocean. The condition also allows for a maximum of two (2) tall trees with thin trunks such as palm trees, provided they are placed close to the building and they do not block public views toward the ocean. In summary, as conditioned for installation of low level plant elements and a maximum of two tall trees that are placed close to the building, no impacts to public views should result from project approval. Therefore, the Commission finds the proposed development, as conditioned, consistent with the visual resource protection policies of the Coastal Act.

3. Public Access. Coastal Act sections 30210, 30211 and 30212(a) are applicable to the project and state the following:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a)

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or, [...]

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

In addition, Section 30252 of the Act is also applicable to the proposed development and states the following:

The location and amount of new development should maintain and enhance public access to the coast by . . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation

The project site is located one block from the public beach and boardwalk. The boardwalk is a heavily-used recreational facility frequented by pedestrians, bicyclists, skaters, skateboarders, runners, and persons in wheelchairs. The walkway is accessible from the east/west courts and streets off of Mission Boulevard, and provides access to the sandy beach at stairways located at various points along the seawall. Access to the beach can be gained nearest the project site at the ends of the subject street (Rockaway Court) as well as both Redondo and San Jose Courts one block north and south, respectively, from the project site. In addition, adequate on-site parking will be provided consistent with Section 30252 of the Act. The proposed development does not interfere with public access opportunities and can be found consistent with the public access and recreation policies of the Coastal Act.

4. Local Coastal Planning. The subject property is located within the Residential North (RN) zone of the Mission Beach Planned District and the proposed development is consistent with the residential zone and plan designation of the PDO. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority. The subject permit will result in the construction of a new two-unit condominium building. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Mission Beach community

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the visual resource policies of the Coastal Act. Mitigation measures, include conditions requiring submittal of final plans and landscape plans approved by the City of San Diego. As

conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

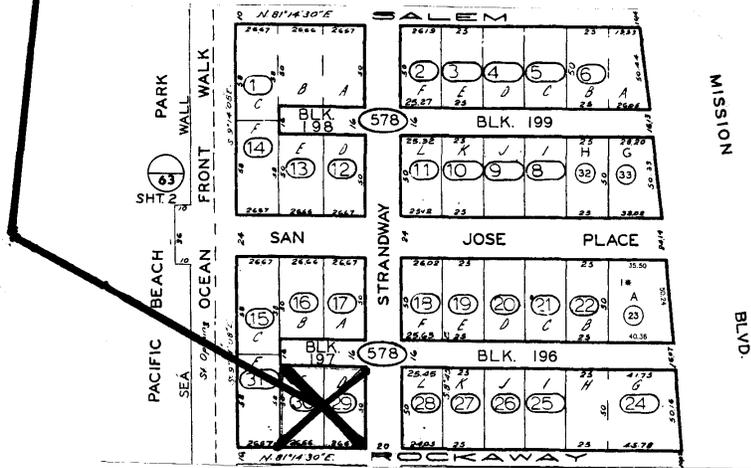
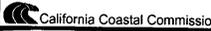


EXHIBIT NO. 1
APPLICATION NO.
6-06-011
Location Map



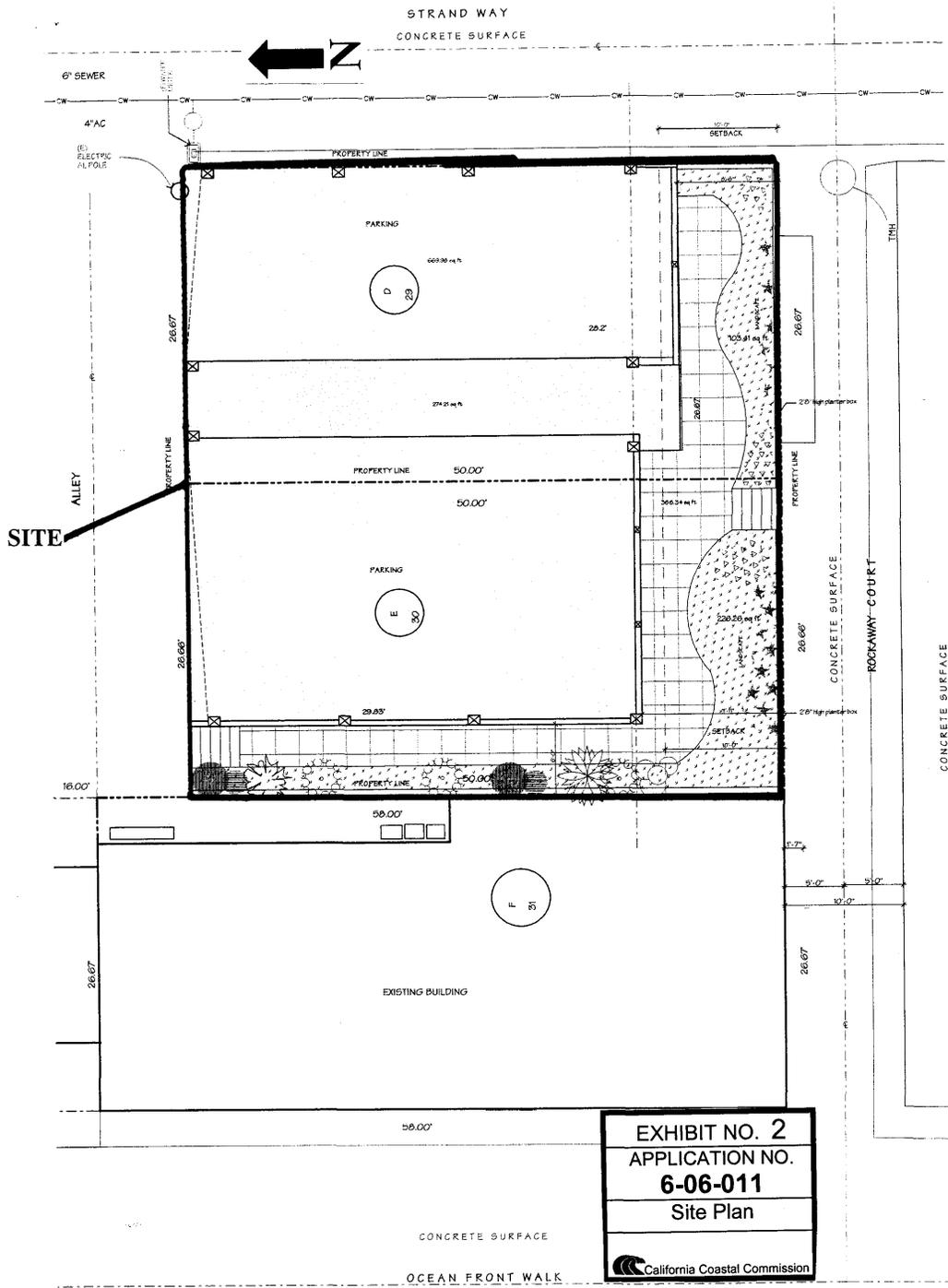


EXHIBIT NO. 2
APPLICATION NO.
6-06-011
Site Plan
California Coastal Commission